

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 11, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:12 a.m. The meeting was recessed by Mayor Murphy at 11:13 a.m. Mayor Murphy reconvened the meeting at 11:25 a.m. with all members present. Mayor Murphy recessed the meeting at 12:00 p.m. until 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. The meeting was recessed by Mayor Murphy at 3:34 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:45 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:10 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:15 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:15 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Fishkin (rl/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell made comments regarding the City Council acting as the Redevelopment Agency and questioned the legality of this joint powers of authority.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-059.)

PUBLIC COMMENT-2: **REFERRED TO CITY MANAGER**

Michael Sprague made comments regarding the City Heights PAC Election Certification. Many residence challenged the election based on staff conduct before the elections were held. The Chair was told that she was not allowed to

know who was running as a candidate up to the morning of the election. Mr. Sprague desires to know why the Redevelopment Agenda wasn't ready as of late morning on December 3, 2001 for a meeting to be held that day. The item in question was consequently postponed to the previous day and the words post- and pre- were used synonymously and in fact the item had been moved from December 4 to December 3, 2001 rather than moved to the following week. Mr. Sprague would like the City to do a better job at informing the public when an item is being heard. Mr. Sprague is also concerned also about his feeling of the inappropriate use of City funds to finance and benefit city-employed campaign candidates.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A060-103.)

PUBLIC COMMENT-3:

John Dogget made comments about HIV and AIDS prevention and the City's needed involvement in this effort.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A104-142.)

PUBLIC COMMENT-4: **REFERRED TO THE CITY MANAGER**

Tom Reid made comments regarding Prop Locks at City Airports and the ineffectiveness of their use. Council Member Frye would like the Pilots to have some flexibility in the ways they believe their planes could be most secured and not limit them to one single type of device.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A143-179.)

PUBLIC COMMENT-5: **REFERRED TO THE CITY MANAGER**

Abdur-Rahim Hameel and Adib Mahdi made comments regarding a company by the name of West Coast whom he feels has made no effort to create opportunities for African Americans. He feels outreach to the African American community needs to be improved. He also feels that contracts are not being awarded in a way that demonstrates equal opportunity in the City of San Diego. Council Member Stevens would like the Manager to review the contract to West Coast for responsible-responsive and non-responsible responsive bidder.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A218-267.)

PUBLIC COMMENT-6:

Jarvis Ross made comments on “Relativity”; developments that come before Council weekly, and its affect on the economy. Mr. Ross mentioned that the City should consider unintended consequences such as energy, highways and the limited supplies of potable water.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A268-310.)

PUBLIC COMMENT-7:

Michael Barbee, Steve McWilliams and Barbara MacKenzie made comments on medical Marijuana and the need for identification cards for users.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A311-359.)

PUBLIC COMMENT-8:

Ron Boshun made comments regarding his need for a second vote on the Ball Park issues and his views on Proposition C.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A360-416.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Peters wished Mayor Murphy a happy birthday because Mayor Murphy's birthday is this Sunday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A417-423.)

COUNCIL COMMENT-2:

Council Member Frye thanked the public who attended Council meetings over the past year and wished them Happy Holidays.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A424-434.)

COUNCIL COMMENT-3:

Council Member Stevens made comments on Mr. Boshun's comments stating that he, Council Member Stevens, does in fact serve the Community. Council Member Stevens also discouraged Mr. Boshun's personal attacks.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A435-463.)

CITY ATTORNEY COMMENT:

None.

CITY MANAGER COMMENT:

None.

ITEM-330: Santa Monica at Black Mountain Ranch.

Matter of approving, conditionally approving, modifying or denying a Vesting Tentative Map, Rezone (from AR-1-1 to RS-1-12), Site Development Permit and Planned Development Permit to develop 138 single-family homes, 26 affordable housing units, and a 2.6-acre recreational facility. The project site is an undeveloped 84.7-acre parcel located at the southwestern portion of the Black Mountain Ranch Subarea. The project site is legally described as the west one-half of the northwest one-quarter of Section 2, Township 14 South, Range 3 West, San Bernardino Meridian.

(VTM/RZ/SDP/PDP-40-0969. Black Mountain Ranch Subarea I Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the permit; adopt the resolution in subitem C to grant the map; and introduce the ordinance in subitem D:

Subitem-A: (R-2002-434) ADOPTED AS RESOLUTION R-295878

Adoption of a Resolution certifying that the information contained in Addendum to an Environmental Impact Report (EIR), LDR-40-0969 (Addendum to EIR-96-7902, EIR SCH No. 97111070), has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto, (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Santa Monica at Black Mountain Ranch project;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-) GRANTED PERMIT; ADOPTED AS RESOLUTION R-295879

Adoption of a Resolution granting or denying Planned Development Permit/Site Development Permit No. 40-0969, with appropriate findings to support Council action.

Subitem-C: (R-2002-) GRANTED MAP; ADOPTED AS RESOLUTION R-295880

Adoption of a Resolution granting or denying Vesting Tentative Map VTM-40-0969, with appropriate findings to support Council action.

Subitem-D: (O-2002-30) INTRODUCED, TO BE ADOPTED ON TUESDAY, JANUARY 8, 2001

Introduction of an Ordinance changing 84.7 acres located in the southwestern

portion of Black Mountain Ranch Subarea I from the AR-1-1 zone to the RS-1-12 zone, as defined by San Diego Municipal Code section 131.0403; and repealing Ordinance No. O-8858 (New Series), adopted July 18, 1963, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on August 30, 2001, voted 4 - 0 to approve staff's recommendations and certify the Addendum to EIR-96-7902; and approve VTM, Rezone, Planned Development Permit and Site Development Permit No. 40-0969. Staff was directed to include a context map, in the future, to see where other affordable units are in the surrounding area; no opposition.

Ayes: Brown, Schultz, Anderson, Lettieri
Not present: Garcia, Butler, Stryker

There is no officially recognized community planning group for the Black Mountain Ranch Subarea 1 planning area. The Rancho Penasquitos Planning Board (adjacent community) voted (12-1) to recommend approval of the Santa Monica project.

SUPPORTING INFORMATION:

These actions (Vesting Tentative Map, Rezone, Planned Development Permit, Site Development Permit) are proposed for the Santa Monica project which includes the development of 138 single-family homes, 26 attached affordable housing units, a 2.6-acre recreational facility, and 25-acres of open space on an 84.7-acre site within the Black Mountain Ranch Subarea. The design and development of homes will be regulated by the Santa Monica Design Review Guidelines. The Design Review Guidelines establish the basic design policy for development, and describe specific, detailed, and measurable criteria against which the development will be evaluated. Permitted architectural styles for homes are reminiscent of regional historic themes and are limited to Early California/Monterey style. The project also provides trail connections to the regional system of hiking, mountain bike, and equestrian trails. The project is consistent with and implements the Progress Guide and General Plan and the Black Mountain Ranch Subarea Plan, meets all of the development regulations of the Land Development Code, and provides the required affordable housing units pursuant to the City's affordable housing policies.

FISCAL IMPACT:

None. A deposit has been collected from the applicant to cover all costs associated with processing this proposed project.

PROJECT TRAFFIC INFORMATION:

The project is estimated to generate approximately 1,536 average daily trips (ADT). 300 of these trips are estimated to occur on Interstate 5, which has an estimated near-term plus project volume of 255,042 ADT. Caltrans is planning to widen Interstate 5 to provide ten additional lanes south of State Route 56 to be completed by 2004. The proposed Black Mountain Ranch project is required to contribute \$8.0 million for the widening of State Route 56 from 4 to 6 lanes, and \$6.1 million for the widening of Interstate 15 by an additional 4 lanes. Black Mountain Ranch is also required to contribute \$8.0 million for the widening of El Camino Real north of San Dieguito Road to be completed by FY 2004 (CIP-52-479.0).

Loveland/Christiansen/MW

LEGAL DESCRIPTION:

The project site is located on the southwestern portion of Black Mountain Ranch, Subarea I of the City of San Diego Planned Urbanizing Area, adjacent to the easternmost side of Saint Andrews Road and is more particularly described as the western ½ of the northwest 1/4 of Section 2, Township 14 South, Range 3 West, San Bernadino Meridian, City of San Diego, County of San Diego.

FILE LOCATION: PERM-40-0969 (65)

COUNCIL ACTION: (Tape location: A543-B230.)

Hearing began at 10:50 a.m. and halted at 11:13 p.m.

Testimony in opposition by Jarvis Ross.

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Community Facilities District No. 2 (Santaluz) - Modification of the Rate and Method of Apportionment of Special Tax and Amendment of List of Facilities Eligible for Financing by the District.

(Subarea I of the North City Future Urbanizing Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-716) ADOPTED AS RESOLUTION R-295881

Resolution of the City Council of the City of San Diego acting in its capacity as the Legislative Body of Community Facilities District No. 2 calling an election on a proposition to alter the existing rate and method of apportionment of the special tax and amend the list of eligible facilities for Improvement Area No. 1 of Community Facilities District No. 2.

CITY MANAGER SUPPORTING INFORMATION:

On November 5, 2001, the City Council adopted Resolution Number R-295675, which declared the Council's intention to consider altering the existing rate and method of apportionment of the special tax and amend the list of facilities eligible for financing within Community Facilities District No. 2 (Santaluz), Improvement Area No. 1. Resolution R-295675 also directed the preparation of a revised Community Facilities District Report, describing the proposed amendments, to be submitted with this action. This action will be a noticed public hearing, at which the City Council will be asked to hear testimony either for or against the proposed changes. At the close of the hearing, Council will be asked to adopt a resolution calling for an election among the qualified electors within Improvement Area No. 1 of Community Facilities District No. 2 to vote on the proposed amendments. If Council adopts the resolution, the City Clerk will be asked to conduct a special election among the qualified district voters. This election is expected to take place within ninety days of the public hearing. Upon completion of the special election, the results will be tallied and certified. Assuming a favorable vote, City staff will return to the City Council at a later date to seek approval of a Resolution of Change, ratifying the proposed modifications. It is recommended that the City Council adopt the above referenced resolution. City staff, in conjunction with the City's financing team for the project, have determined that the proposed modifications should provide a more equitable tax treatment for the various categories of taxable property, and will provide for the potential acquisition of certain additional public facilities by the City.

FISCAL IMPACT:

None. All costs related to this action have been funded by property owners within Community Facilities District No. 2.

Frazier/Vattimo/CW

FILE LOCATION: STRT-CF-2 (58)

COUNCIL ACTION: (Tape location: A474-486.)

Hearing began at 10:46 a.m. and halted at 10:47 a.m.

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Fenton-Carroll Canyon Technology Center.

Matter of approving, conditionally approving, modifying or denying an application requesting a rezone to change the existing AR-1-1 zone to IL-2-1 and OR-2-1 zones; a Vesting Tentative Map that proposes to subdivide the 130.9 acre site into 22 buildable lots, 2 open space lots and 2 lots for runoff retention facilities; and Planned and Site Development Permits which would allow for the development of industrial/business park uses. The site is bounded by Mira Mesa Boulevard to the north, Miramar Road to the south, and El Camino Memorial Park to the west and is located within the Mira Mesa Community Plan area.

(RZ/VTM/PDP/SDP/MHPA-98-1199/Reclamation Plan-89-0585/EIR LDR-40-0870. Mira Mesa Community Plan area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems D and E; adopt the resolution in subitem B to grant the permit; adopt the resolution in subitem C to grant the map and Vacate Irrevocable Offer of Dedication (IOD); and introduce the ordinance in Subitem A:

Subitem-A: (O-2002-67) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 8, 2002

Introduction of an Ordinance changing a 130.9-acre site located east of I-805, south of Mira Mesa Boulevard, and north of Miramar Road, in the Mira Mesa Community Plan area, from the AR-1-1 (Agricultural) zone (previously referred to as A-1-5) to the IL-2-1 (Industrial) and OR-2-1 (Open Space) zones (previously referred to as M-1B and OS-OSP, respectively), as defined by San Diego Municipal Code sections 131.0603 and 131.0204; and repealing Ordinance No. O-12505 (New Series), adopted January 3, 1979, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2002-) GRANTED PERMIT; ADOPTED AS RESOLUTION
R-295888

Adoption of a Resolution granting or denying Planned Development/Site Development Permit No. 98-1199, with appropriate findings to support Council action.

Subitem-C: (R-2002-) GRANTED MAP; ADOPTED AS RESOLUTION
R-295889

Adoption of a Resolution granting or denying Vesting Tentative Map and Vacation of Irrevocable Offer of Dedication (IOD) No. 98-1199, with appropriate findings to support Council action.

Subitem-D: (R-2002-728) ADOPTED AS RESOLUTION R-295890

Adoption of a Resolution approving the Multiple Habitat Planning Area (MHPA) boundary adjustment as described on page 4.4-20 further shown on Figure 4.4-3 of the Fenton-Carroll Canyon Technology Center Environmental Impact Report (LDR No. 40-0870/SCH No. 2000041010).

Subitem-E: (R-2002-727) ADOPTED AS RESOLUTION R-295891

Adoption of a Resolution certifying that the information contained in Environmental Impact Report, LDR-40-0870/SCH-2000041010 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.),

that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Fenton-Carroll Canyon Technology Center;

That pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project;

That pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations with respect to the project;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

Planning Commission on November 1, 2001, voted 6 - 0 to approve; was opposition.

Ayes: Anderson, Garcia, Brown, Stryker, Lettieri, Butler
Not present: Schultz

The Mira Mesa Community Planning Committee, on May 21, 2001, voted 9:4:2 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

The entire Fenton Properties Carroll Canyon Master Plan area encompasses approximately 554 acres in Carroll Canyon and is located in the central portion of the Mira Mesa Community. The site is situated between Interstate 805 on the west and Interstate 15 on the east, and between Mira Mesa Boulevard on the north and Miramar Road on the south. Ultimately planned as six-

lane primary arterial streets, Camino Sante Fe and Carroll Canyon Road will be extended through the property. Western portions of the Master Plan area are vacant with some sand and gravel extraction ongoing in the eastern portion of the property. The subject site is a portion of the Master Plan area, encompassing 130.9-acres. The site is surrounded on the west by the El Camino Memorial Park Cemetery, on the north by Rattlesnake Canyon, on the south by open space, and on the east by mining operations which constitutes the remainder of the Master Plan area.

The 130.9-acre Fenton-Carroll Canyon Technology Center project represents the first development of the Fenton Properties Carroll Canyon Master Plan converting reclaimed quarry land to planned development. The project is proposed on property formerly mined for sand and gravel resources which the applicant, H.G. Fenton Company, is currently reclaiming in accordance with an adopted Reclamation Plan/Conditional Use Permit No. 89-0585 approved on September 13, 1990. The CUP expires in 2015.

The proposed planned development permit meets the Community Plan and Master Plan land use objectives. The Master Plan calls for industrial and office uses. The applicant is proposing an industrial and technology center for light industrial, manufacturing, warehousing and business office users.

ENVIRONMENTAL IMPACT:

Environmental Impact Report (EIR) LDR-40-0870 was prepared for the project in accordance with the California Environmental Quality Act (CEQA). The EIR concluded that the project would result in significant impacts in the areas of noise, transportation/circulation, biological resources, air quality, hydrology/water quality, geology/soils and paleontology. The project proposes to incorporate mitigation measures to reduce all identified significant direct impacts to below a level of significance. No feasible project level mitigation measure exists to improve cumulatively significant conditions along Mira Mesa Boulevard, Miramar Road or Carroll Road. Because of insufficient right-of-way and other constraints at Camino Sante Fe/Carroll Road, the scope of improvements would be beyond the financial feasibility of this project and the impact would be unmitigable. Therefore, staff recommends adoption of the Statement of Overriding Consideration.

CODE ENFORCEMENT IMPACT:

None.

HOUSING AFFORDABILITY IMPACT:

None.

TRAFFIC STATEMENT:

The project is estimated to generate 13,200 average daily trips (ADT) and add 1,720 ADT to I-805 north of Mira Mesa Boulevard which carries approximately 131,000 ADT and operates at Level of Service (LOS) F, and 1,140 ADT to I-805 south of Miramar Road which carries approximately 191,000 ADT and operates at LOS F. The project is estimated to add 1,340 ADT to I-15 north of Mira Mesa Boulevard which carries approximately 282,000 ADT and operates at LOS F, and 2,020 ADT to I-15 south of Miramar Road which carries approximately 310,000 ADT and operates at LOS F. By year 2005 Caltrans plans to complete the I-5/I-805 Dual Freeway Project with Carmel Mountain Road Interchange. After year 2011 Caltrans plans to add two high occupancy vehicle (HOV) lanes to I-805 from I-5 to SR 52. By Year 2003, Caltrans plans to add one northbound lane to I-15 from Miramar Way to Miramar Road, one northbound lane from Carroll Canyon Road to Scripps Poway Parkway, and one southbound lane from Mira Mesa Boulevard to Miramar Way.

FISCAL IMPACT:

All costs associated with this project are paid by the applicant.

Loveland/Christiansen/PXG

LEGAL DESCRIPTION:

The project site is located in the Carroll Canyon Master Plan Area of the Mira Mesa Community Plan and is bounded by Mira Mesa Boulevard to the north, Miramar Road to the south, El Camino Memorial Park to the west and ongoing mining operations to the east and is more particularly described as Parcel 1-3 of Parcel Map 17983.

FILE LOCATION: PERM-98-1199 (65)

COUNCIL ACTION: (Tape location: F022-I167.)

Hearing began at 3:46 p.m. and halted at 6:15 p.m.

Testimony in opposition by Wayne Harmon, Jim Peugh, Mel Hinton, Eric Bowlby, Bruce Reznik and Jarvis Ross.

Testimony in favor by Lynne Heidel, Andy Schlaefli, Allen Jones, Hal Goldberg, Marvin Miles, Ted Brengel, Jeanette Waltz, Kim Blickenstaff, Erik Bruvold, Shawn Covell, Brad Barnum, Kevin Carroll, April Bailey and Mitch Mitchell.

MOTION BY MAIENSCHIN TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS. Second by Madaffer. Passed by the following vote: Peters-nay, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Motion by Frye to include the bridge in the project by providing an additional funding mechanism, instead of building the culverts. No second.

ITEM-333: Vacation of a portion of Bird Rock Avenue.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-629) ADOPTED AS RESOLUTION R-295882

Vacating a portion of Bird Rock Avenue, as described in the legal description marked as Exhibit "A" and shown on Drawing No. 19489-B marked as Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Bird Rock Avenue located in the La Jolla Community area within Council District 1. The street is unimproved and there are no plans to construct a street at this location. The City will reserve a pedestrian access easement from the vacation for the benefit of the residents in the area. The applicant wishes to landscape the area being vacated. On January 6, 2000, the La Jolla Community Planning Association

recommended approval of the street vacation by a vote of 9-2-1. The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be built at this location due to the steep terrain and the topography of the land. The residents in the area will continue to have access to the street.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land value will lead to higher property tax revenues.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The La Jolla Community Planning Association recommends approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. There are no present or future plans to construct a street in this area.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Loveland/Haase/AA

NOTE: This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT-J-2933 (39)

COUNCIL ACTION: (Tape location: A487-502.)

Hearing began at 10:48 a.m. and halted at 10:49 a.m.

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Vacation of a portion of Kate Sessions Way.

(Continued from the meeting of November 27, 2001, Item 330, at the City
Manager's request, due to noticing problems.)

(Pacific Beach Community Area. District-6.)

NOTE: Hearing Open. No public testimony taken on 11/27/01.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-501 Cor. Copy) ADOPTED AS RESOLUTION R-295883

Vacating a portion of Kate Sessions Way, as described in the legal description
marked as Exhibit "A" and shown on Drawing No. 19348-B marked as Exhibit
"B".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Kate Sessions Way located in the Pacific Beach Community area within Council District 6. The part of the street proposed to be vacated is unimproved and there are no plans to widen the street in that area. The applicant has plans for residential improvements and the current set back does not allow for these improvements. The vacation of the unused portion of the street will enable the owner to use the new right-of-way line for adjusting the required set back, allowing for their planned improvements. The applicant will widen the existing roadway with asphalt paving and construct a berm as required by the City Engineer. The Pacific Beach Community Planning Committee recommended approval of the street vacation by a vote of 11-2-0, on January 24, 2000. The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. The street has limited use and a narrower width is allowable.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land value will lead to higher property tax revenues, and the applicant will benefit by the ability to further improve their property.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The Pacific Beach Community Planning Committee recommends approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. This street has limited use and will not be extended. There are no present or future plans to widen the street.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Loveland/Haase/AA

NOTE: This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT-J-2932 (39)

COUNCIL ACTION: (Tape location: A503-515.)

Hearing began at 10:50 a.m. and halted at 10:51 a.m.

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: Nine actions related to Gas and Electric Franchise Agreements.

(See City Manager Report CMR-01-256.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinances in Subitems A, B, D, G, H, and I and adopt the resolutions in Subitems C, E, and F:

Subitem-A: (O-2002-49) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 8, 2002

Introduction of an Ordinance amending the electric franchise with SDG&E to:

- (a) Continue with the current franchise fee consisting 3% of gross receipts
- (b) Implement an undergrounding surcharge of 4.5% of gross receipts minus any rate embedded underground funds
- (c) Change the definition of gross receipts to include paying the franchise fee on revenue collected on all surcharges

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

Subitem-B: (O-2002-50) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 8, 2002

Introduction of an Ordinance amending the gas franchise with SDG&E to increase the Gas Franchise Fee Surcharge from 1.00 percent to 1.03 percent.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

Subitem-C: (R-2002-710 Cor. Copy) ADOPTED AS RESOLUTION R-295892

Approving a Memorandum of Understanding (MOU) regarding the implementation of franchise fee terms and underground utility obligations, which MOU incorporates a Draft Advice Letter from SDG&E to the California Public Utilities Commission requesting the required approval for an increase in undergrounding revenues; declaring that the Council affirms to the California Public Utilities Commission that it supports each request made in the Draft Advice Letter.

Subitem-D: (O-2002-24) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 8, 2002

Introduction of an Ordinance amending Chapter 6, Article 1, Division 5 of the San Diego Municipal Code, by amending Sections 61.0501, 61.0502, 61.0503, 61.0504, 61.0505, 61.0507, and 61.0508; renumbering and amending Sections 61.0509, 61.0510, 61.0511, 61.0512, 61.0513, 61.0514, 61.0515, 61.0516, 61.0517; and adding Sections 61.0509 and 61.0510; and amending Chapter 6, Article 1, Division 21 by renumbering Sections 61.2103 and 61.2106.1, all relating to Underground Utility Procedures.

Subitem-E: (R-2002-711) ADOPTED AS RESOLUTION R-295893

Establishing Council Policy No. 600-8 regarding the underground conversion of utility lines by utility companies.

Subitem-F: (R-2002-712) ADOPTED AS RESOLUTION R-295894

Authorizing the City Auditor and Comptroller to establish Fund No. 30100, Underground Surcharge Fund, to receive and disburse underground surcharge revenue and any related interest earnings, in accordance with the City's franchise agreements with SDG&E;

Authorizing the City Manager to add, establish, and reallocate capital improvement projects to ensure that proper work is completed for projects funded under Fund No. 30100, Underground Surcharge Fund;

Authorizing the appropriation and expenditure of an amount not to exceed \$8,500,000 from Fund No. 30100, Undergrounding Surcharge Fund, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds are, or will be, on deposit in the City Treasury.

Subitem-G: (O-2002-65) HEARING HELD

First public hearing of an Ordinance amending the FY 2001-02 Annual Appropriation Ordinance, Document No. O-18964 to increase the General Fund 100, Engineering & Capital Projects, Department 547, appropriation by the amount of \$525,000 to be transferred from Fund No. 30100, Undergrounding

Surcharge Fund, and the expenditure of the amount, provided a certificate is issued demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Amending the personnel authorization of Engineering & Capital Projects, Department 547, in the General Fund 100 by adding the following Classified positions, provided the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such positions are, or will be, on file in the City Treasury:

2.0 Associate Civil Engineer
1.0 Assistant Civil Engineer
2.0 Principal Engineering Aide
1.0 Senior Drafter
1.0 Public Information Officer
1.0 Senior Management Analyst
1.0 Administrative Aide II

Authorizing the City Auditor and Comptroller to increase the General Fund 100, Engineering & Capital Projects, Department 547, appropriation by the amount of \$210,000 to be transferred from Fund No. 30100, Undergrounding Surcharge Fund, provided the City Auditor and Comptroller furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

NOTE: The second public hearing for the introduction and adoption of the ordinance will be on January 8, 2002.

Subitem-H: (O-2002-28) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 8, 2002

Introduction of an Ordinance amending the gas franchise with SDG&E to extend the negotiation period to January, 2003 for any potential delays in approval by the CPUC.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

Subitem-I: (O-2002-29) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 8, 2002

Introduction of an Ordinance amending the electric franchise with SDG&E to extend the negotiation period to January, 2003 for any potential delays in approval by the CPUC.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

FILE LOCATION: FRAN-San Diego Gas & Electric (08)

COUNCIL ACTION: (Tape location: B235-C128; D006-F021.)

Hearing began at 11:27 a.m. and recessed at 12:00 p.m.

Hearing resumed at 2:08 p.m. and halted at 3:33 p.m.

Testimony in opposition by Scott Barnett, Michael Shames, Mary Ball, Scott Alvey, Stephen McMahon and Jarvis Ross.

Testimony in favor by Mark Nelson, Patty Vaccariello, Jim Varnadore and Kathryn Burton.

MOTION BY ATKINS TO INTRODUCE THE ORDINANCES, ADOPT THE RESOLUTIONS AND APPROVE THE FIRST HEARING. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

ITEM-S500: Four actions related to the Final Subdivision Map of Costa Del Sol Unit No. 1.

(Pacific Highlands Ranch Precise Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-803) ADOPTED AS RESOLUTION R-295884

Declaring that Council waives the two-year time limit established by Council Policy 600-21 only as to completion of Subdivider's fair share of the Carmel

Valley Trunk Sewer since the design of the Carmel Valley Trunk Sewer has not been completed and approved;

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Barratt American Incorporated, a Delaware Corporation, for the installation and completion of certain public improvements.

Subitem-B: (R-2002-802) ADOPTED AS RESOLUTION R-295885

Approving the final map.

Subitem-C: (R-2002-808 Cor. Copy) ADOPTED AS RESOLUTION R-295886

Authorizing the City Manager to execute two Landscape Maintenance Agreements with Barratt American Incorporated, a Delaware Corporation, for the maintenance of landscaping.

Subitem-D: (R-2002-809) ADOPTED AS RESOLUTION R-295887

Authorizing the City Manager to execute a Public Improvement Agreement with Barratt American Incorporated, a Delaware Corporation, for the construction of Rancho Santa Fe Farms Road south of State Route 56 and a portion of Street "B", and for the design, construction and acquisition of Street "A."

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 14.406 acre site into 117 lots for residential development. It is located west of I-15 and south of Black Mountain Road in the Pacific Highlands Ranch Precise Plan area. On March 20, 2001 the Council of the City of San Diego approved Tentative Map 99-1087 by City Council Resolution No. R-294664 for Costa Del Sol Unit No. 1. The public improvements required for this subdivision are shown in detail on Drawing Nos. 31072-1-D through 31072-36-D, filed in the Office of the City Clerk under Micro Number 141.29. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$1,991,056 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$11,500 as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Pacific Highlands Ranch Public Facilities Financing Plan area, which provides for the payment of a Facility Benefit Assessment (FBA), including parks, at the

time of building permit issuance. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider shall enter into two Landscape Maintenance Agreements, agreeing to maintain all landscaping and appurtenances thereto within the subdivision and the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. Subdivider shall enter into a Public Improvement Agreement for the construction of Rancho Santa Fe Farms Road south of SR 56 and a portion of Street "B" and for the design, construction and acquisition of Street "A." The Costa Del Sol property is estimated to generate approximately 1,256 average daily trips (ADT). 377 of these trips are estimated to occur on Interstate 5 south of State Route 56 (SR 56), which has an estimated near-term volume of 262,377 ADT. CalTrans is planning to widen Interstate 5 to provide 10 additional lanes south of SR-56 to be completed by 2004. Pacific Highlands Ranch is required to contribute \$9.9 million for the widening of SR 56 from 4 to 6 lanes. Pacific Highlands Ranch is also required to contribute \$7.0 million for the construction of I-5/SR-56 northbound connectors. The Costa Del Sol property is subject to the Pacific Highlands Ranch/Subarea III Transportation Phasing Plan.

Loveland/Christiansen/JSF

FILE LOCATION: SUBD-COSTA DEL SOL UNIT NO 1 (40)

COUNCIL ACTION: (Tape location: A516-542.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:15 p.m. in honor of the memory of:

John W. Ackermann, Jr., as requested by Council Member Maienschein.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: I167).